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CHARLES DEVENS,

HENRY M. DEXTER,

EDWARD I. THOMAS.

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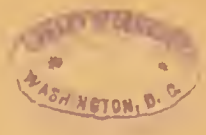
Extract from the Report of the Council, read to the American Antiquarian Society, April 29, 1891.

BY GEORGE F. HOAR.



Worcester, Mass., U. S. A.
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Henry Martyn Dexter was born in Plympton, Massachusetts, August 13, 1821. He was the son of Elijah Dexter, who was pastor of the Congregational Church there for forty-four years, and of Mary Dexter, the sister of Governor Marcus Morton. He entered Brown University, but finished his college course at Yale, where he was graduated in 1840. He was graduated at the Andover Theological Seminary in 1844. He was then settled over the Franklin-street Congregational Church at Manchester, N. H., where he remained three years. In 1849, he was transferred to the Pine-street Church, Boston, where he remained eighteen years. In 1851, he became one of the editors of the *Congregationalist*, the organ of the Congregational Churches in New England, in founding which, two years before, he had taken much interest. In 1856, he became the general editor of that paper, which office he held until January 1, 1866. In May, 1867, he resigned his pastorate, and became editor-in-chief of the *Congregationalist*, in which office he continued until his death.

He was one of the founders of the *Congregational Quarterly*, which he edited from 1859 until 1866. He was elected a member of this Society, April 28, 1869. He was also a member of the Massachusetts Historical Society and of the American Historical Association. He was Lecturer on Congregationalism at Andover Theological Seminary from 1877 to 1880. In 1865, he received the degree of Doctor of Divinity from Iowa College. In 1880, he received the degree of Doctor of Sacred Theology from Yale College. He received the degree of Doctor of Laws, from

the same institution in 1890, being the only graduate of Yale on whom the two degrees have been conferred. He was a corporate member of the American Board of Commissioners for Foreign Missions. He has published a great number of important works: religious, literary and historical.[1]

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[1] The Moral Influence of Manufacturing Towns: A Dedication Sermon. pp. 32. 1848.
Our National Condition and its Remedy. pp. 44, 1856.
The Voice of the Bible, the Verdict of Reason. pp. 56, 1858.
Meeting Houses, Considered Historically and Suggestively. pp. 29, 1859.
Street Thoughts. pp. 216, 1859.
Twelve Discourses. pp. 219, 1860.
What Ought to Be Done With the Freedmen and With the Rebels: a sermon. pp. 36, 1865.
The Verdict of Reason, etc. pp. 157, 1865.
Congregationalism: What it Is, Whence it Is and How it Works. pp. 306, 1865.
The Spread of the Gospel in the City. pp. 36, 1866.
A Glance at the Ecclesiastical Councils of New England. pp. 68, 1867.
Sermon: Funeral of Israel W. Putnam, D.D. pp. 24, 1868.
The Church Polity of the Pilgrims, the Polity of the New Testament. pp. 82, 1870.
Pilgrim Memoranda. pp. 40, 1870.
As to Roger Williams. pp. 141, 1876.
Pastorless Churches and Churchless Pastors: a paper before the National Council. pp. 20, 1877.
The Congregationalism of the Last Three Hundred Years, as Seen in its Literature, with a Bibliography. pp. 716, 1880.
The True Story of John Smyth, the Se-Baptist. pp. 86, 1880.
Hand-Book of Congregationalism. pp. 212, 1880.
Common Sense as to Woman Suffrage. pp. 33, 1885.
Weeds: a sermon. pp. 23, 1887.
Early English Exiles in Amsterdam. pp. 25, 1890.
Elder Brewster's Library. pp. 51, 1890.
Sketch of the Life of Increase N. Tarbox. pp. 22, 1890.
The English and Dutch Life of the Plymouth Men. This was left in manuscript, nearly complete; it will be published.

He also edited, 1865-7:—
Mourt's Relation, or Journal of the Plantation at Plymouth.
The History of King Philip's War; by Benjamin Church.
The History of the Eastern Expeditions, etc.; by Benjamin Church.

He was one of the founders and first proprietors of the *Congregational Quarterly*, and wrote much for it.

At the suggestion of Mrs. Harriet Beecher Stowe he prepared the famous protest against the Nebraska bill, to which he secured the signatures of 3050 Protestant clergymen in New England. He carried this protest to Washington, where it gave rise to a famous debate in which Mr. Sumner, Mr. Everett, and afterward Mr. Rockwell took a leading part on one side, and Mr. Douglas of Illinois on the other.

Dr. Dexter was a great champion of the religious faith which he held and of righteousness wherever it seemed to him to be assailed. But he was a man of a sweet and gracious gentleness in both manner and nature, winning and retaining the affection of all men with whom he came into any close personal relations. One of his friends from early youth compares him in strength and steadfastness to the oak which grew before his door, and his friendship to the delight of its summer shade. He was full of a warm and hearty sympathy for young and old, ever ready with counsel and with help.

The crowning honor of his life was his election to preach the opening sermon at the International Congregational Council at London, in July, 1891, for which, on the Monday before his death, he was unanimously chosen. This is the greatest honor which it is in the power of the Congregational Churches to bestow on one of their clergymen.

He died November 13, 1890. The day before his death he seemed in unusual health and spirits, working in his library as usual and making plans for his journey abroad. The next morning at half-past six he was found lying on his side, his head resting on his hand, apparently asleep: but he had died in his sleep without suffering.

He had been all his life a devoted student of the founding and building of New England, the origin and growth of her ideas of Christian doctrine, church government, constitutional law and civil liberty. In this knowledge he was, in the later years of his life, the profoundest living master.

He had in preparation a work upon the founders of New England, to be entitled "The English and Dutch Life of the Plymouth Men," which had made great progress to completion, but which no man can finish as he would have finished it. He was always welcome at the meetings of this Society. We had expected larger service from him in our special work, if his life had been spared, as he should withdraw himself from the engrossing activities of his work in his profession. Dr. Dexter left a wife and one son, the Rev. Morton Dexter, who was associated with him as one of the editors of the *Congregationalist*.

Edward Isaiah Thomas, great-grandson of Isaiah Thomas the founder of this Society, was born in Cincinnati, Ohio, November 19, 1833; was elected member of this Society October 21, 1881; and died in Brookline, Massachusetts, December 25, 1890. He was the son of Isaiah Thomas and Mary A. (Reeder) his wife, and the grandson of Isaiah Thomas, the only son of our founder. His father was appointed Consul at Algiers by President Lincoln, and sailed from New York for Havre on his way to his post in the *Milwaukee*, with two sons and a daughter. The ship was never heard of after she left New York.

Edward Isaiah Thomas attended Wittenberg College in 1852. About a year afterward he came back to Massachusetts, where he engaged in business. He married Miss Henrietta Williams Briggs on the 31st day of December, 1857, who with three daughters survives him. He settled in Brookline. He was a most upright, courteous, and worthy gentleman, of pleasant manners, full of public spirit, generosity and bounty. He took a large part in the affairs of the town and of the Church, of which he was deacon for eighteen years. He was a member of the Massachusetts House of Representatives for the years 1876–1880, and of the State Senate for the years 1884–

1885. He was several years Chairman of the Committee on Banks and Banking and a member of the Committee on the revision of the Statutes in 1881. He took great interest in Mr. Duncan's important work in the redemption from barbarism of the Metlakahtla Indians, and was largely instrumental in raising the fund for their benefit. He highly prized his membership of the Society, and was a constant attendant at its meetings.

To draw an adequate portraiture of Charles Devens would require the noble touch of the old masters of painting or the lofty stroke of the dramatists of Queen Elizabeth's day. He filled many great places in the public service with so much modesty and with a gracious charm of manner and behavior which so attracted and engrossed our admiration that we failed at first to discern the full strength of the man. It is not until after his death, when we sum up what he has done for purposes of biography or of eulogy, that we see how important and varied has been the work of his life.

Charles Devens was born in Charlestown, Massachusetts, April 4, 1820. His family connections led him to take early in life a deep interest in the military and naval history of the country, especially in that of the War of 1812; while the place of his birth and the fact that he was the grandson of Richard Devens gave to him the interest in the opening of the Revolution which belongs to every son of Middlesex. He was a pupil at the Boston Latin School; was graduated at Harvard in 1838; was admitted to the bar in 1840; practised law in Northfield and afterward in Greenfield; was Senator from Franklin County in 1848 and 1849; was brigadier-general of the militia; was appointed United States Marshal by President Taylor in 1849, holding that office until 1853; removed to Worcester in 1854; formed a partnership with George F. Hoar and J. Henry Hill in December, 1856; was city solicitor in the years 1856,

1857 and 1858. The news of the surrender of Fort Sumter was received in Worcester Sunday, April 14th. Monday forenoon came the confirmation of the news and President Lincoln's call for 75,000 volunteers. General Devens was engaged in the trial of a cause before the supreme court, when the news was told him. He instantly requested another member of the bar to take his place in the trial, went immediately up street, offered his services to the government, was unanimously chosen the same day major of the Third Battalion of Massachusetts Rifles, commissioned the next day, April 16th, departed for the seat of war April 20th. The battalion under his command was stationed at Fort McHenry. On the 24th of July following he was appointed Colonel of the Fifteenth Massachusetts Regiment.

Gen. Devens was in command of the Fifteenth Regiment at the disastrous battle of Ball's Bluff, where he was struck by a musket ball, which was intercepted by a metallic button which saved his life. His conduct on that day received high encomium from Gen. McClellan. He was soon after appointed a Brigadier-General of Volunteers, and assigned to a brigade in Couch's division of the Fourth Corps. His division was engaged in the battle in front of Fort Magruder on the 5th of May, 1862. On the 31st of the same month he was engaged in the most critical portion of the desperate fight at Fair Oaks, where his command was conspicuous for valor and devotion. This was one of the most stubbornly contested fields of the war. Gen. Devens was severely wounded toward the close of the day, but with a few other officers he had succeeded in reforming the repeatedly broken lines and in holding the field until reinforcements arrived and stayed the tide of Confederate triumph. He returned to his command as soon as his wound would permit, and took part in the battle of Fredericksburg in December, 1862. In his official report Gen. Newton says, "My acknowledgments are due to all according to their opportunities, but especially to Brigadier-General Charles Devens, who com-

manded the advance and the rear guard, in the crossing and recrossing of the river." In the following spring Gen. Devens was promoted to the command of a division of the Eleventh Corps. He was posted with his division of 4,000 men on the extreme right of the flank of Hooker's army, which was attacked by 26,000 men under the great rebel leader Stonewall Jackson. Gen. Devens was wounded by a musket ball in the foot early in the day; but he kept the field, making the most strenuous efforts to hold his men together and stay the advance of the Confederates until his Corps was almost completely enveloped by Jackson's force and, in the language of Gen. Walker, "was scattered like the stones and timbers of a broken dam." He recovered from his wound in time to take part in the campaign of 1864. His troops were engaged on the first of June in the battle of Cold Harbor, and carried the enemy's entrenched line with severe loss. On the third of June, in an attack which Gen. Walker characterizes as one "which is never spoken of without awe and 'bated breath by any one who participated in it," Gen. Devens was carried along the line on a stretcher, being so crippled by inflammatory rheumatism that he could neither mount his horse nor stand in his place. This was the last action in which he took an active part. On the third of April, 1865, he led the advance into Richmond, where the position of Military Governor was assigned to him after the surrender. He afterwards was second in command to General Sickles, in the Southeastern Department, and exercised practically all the powers of government for a year or two. This command was of very great importance to him as a part of his legal training. Upon him practically devolved the duty of deciding summarily, but without appeal, all important questions of military law as well as those affecting the civil rights of citizens during his administration.

He was offered a commission in the regular army, which he declined. He came back to Worcester in 1866; renewed

his partnership with George F. Hoar for a short time; was appointed justice of the superior court April, 1867; was appointed justice of the supreme court of Massachusetts in 1873; was offered the appointment of Secretary of War in the Cabinet of President Hayes March 5th, 1877; a day or two later was tendered the office of Attorney-General by the President, which he accepted and held until the expiration of President Hayes's administration. He was offered the office of judge of the circuit court of the first circuit at the death of Judge Shepley, which he very much desired to accept. But the President, although placing this office at his disposal, was exceedingly unwilling to lose his services in the Cabinet; and Gen. Devens, with his customary self-denial, yielded to the desire of his chief. He was again appointed justice of the supreme court of Massachusetts in 1881, and held that office until his death.

He was elected a member of the American Antiquarian Society October 21, 1878. He was a member of the Massachusetts Historical Society. He received the degree of LL.D. from Harvard University in the year 1877. He was chosen President of the Harvard Alumni Association, and again elected President of that Association in 1886, in order that he might preside at the great celebration of the 250th anniversary of the foundation of the college, which he did with a dignity and grace which commanded the admiration of all persons who were present on that interesting occasion. He died January 7, 1891.

General Devens gained very soon after establishing himself in Worcester the reputation of one of the foremost advocates at the bar of Massachusetts. He was a model of the professional character, of great courtesy to his opponent, great deference to the court, fidelity to his client, giving to every case all the labor which could profitably be spent upon it. The certainty of the absolute fidelity, thoroughness, and skill with which his part of the duty of an important trial would be performed, made it a delight to try cases as his

associate. He was especially powerful with juries in cases involving the domestic relations, or which had in them anything of the pathos of which the court-house so often furnishes examples. He did not care in those days for the preparation or argument of questions of law, although he possessed legal learning fully adequate to the exigencies of his profession, and never neglected any duty.

His powers continued to grow as he grew older until his death. I think he was unsurpassed in this country in the generation to which he belonged in native gifts of oratory. He had a fine voice, of great compass and power, a graceful and dignified presence. He was familiar with the best English literature. He had a pure and admirable style, an imagination which was quickened and excited under the stimulus of extempore speech, and was himself moved and stirred by the emotions which are most likely to move and stir an American audience. Some of his addresses to juries in Worcester are now remembered, under whose spell jury and audience were in tears, and where it was somewhat difficult even for the bench or the opposing counsel to resist the contagion. He never, however, undertook to prepare and train himself for public speaking, as was done by Mr. Choate or Mr. Everett, or had the constant and varied practice under which the fine powers of Wendell Phillips came to such perfection. But his fame as an orator constantly increased, so that before his death no other man in Massachusetts was so much in demand, especially on those occasions where the veterans of the war were gathered to commemorate its sacrifices and triumphs.

Among the most successful examples of his oratoric power is his Address at Bunker Hill at the Centennial in 1875, where the forming the procession and the other exercises occupied the day until nearly sundown, and General Devens, the orator of the day, laid aside his carefully prepared oration and addressed the audience in a brief speech,

wholly unpremeditated, which was the delight of everybody who heard it.[1]

At New Haven he delivered the address before the Army of the Potomac in commemoration of General Meade and the battle of Gettysburg, which is a fine specimen of historic narrative mingled and adorned with stately eloquence. At the banquet in the evening of the same day the gentleman who had been expected to respond to the toast, "The private soldier," was unexpectedly called away, and General Devens was asked at a moment's notice and without preparation to take his place. The writer has heard President Grant—no mean judge—who had himself listened to so much of the best public speaking in all parts of the country, say that General Devens's response to this toast was the finest speech he ever heard in his life. The eulogy upon Grant delivered at Worcester, especially the wonderful passage where he contrasts the greeting which Napoleon might expect from his soldiers and companions in arms at a meeting beyond the grave with that which Grant might expect from his brethren, is also one of the best specimens of eloquence in modern times. Surpassing even these are the few sentences he addressed to his regiment after the battle of Ball's Bluff.

General Devens had a modest estimate of his own best powers. While he was an admirable judge, bringing to the court the weight of his great experience, his admirable sense, his stainless integrity, his perfect impartiality, his great discernment, his abundant learning, it has always

[1] We annex an extract from the diary of our associate, Mr. Henry H. Edes, under date of June 17th, 1875. Mr. Edes took a very large part in making the arrangements for the centennial celebration of that date.

"The oration by Judge Devens was magnificent. He spoke wholly without notes and his effort was largely extemporaneous. He began by saying that the lateness of the hour ('twas nearly six o'clock) would prevent his following the train of any previously prepared effort and he would briefly review the history of the battle and its results upon the world's history. He spoke for nearly an hour and a quarter, holding his fine audience in rapt attention by his eloquence, the elegance of his diction and his superb enunciation. It was, indeed, a wonderful effort, and will compare favorably with Webster's great orations in '25 and '43."

seemed to the writer that he erred after the war in not preferring political life to his place upon the bench. He could easily have been Governor or Senator, in which places the affection of the people of Massachusetts would have kept him for a period limited only by his own desire, and might well have been expected to pass from the Cabinet to an even higher place in the service of his country. But he disliked political strife, and preferred those places of service which did not compel him to encounter bitter antagonisms.

He was invited by President Hayes to a seat in his Cabinet. He filled the place of Attorney-General with a dignity and an ability which has been rarely if ever surpassed by any of the illustrious men who have filled that great office. The judges of the Supreme Court long after he had left Washington were accustomed to speak of the admirable manner in which he discharged his duties. The writer quite recently heard Mr. Justice Bradley, who is without a superior, if not without a peer, among living jurists on either side of the Atlantic, speak enthusiastically of his recollection of General Devens in the office of Attorney-General. Judge Bradley has kindly acceded to a request to put in writing what he had said. His letter is here inserted:

WASHINGTON, *January 20th, 1891.*

HON. GEO. F. HOAR.

My Dear Sir:—You ask for my estimate of the services and character of Gen. Devens as Attorney-General of the United States. In general terms I unhesitatingly answer, that he left upon my mind the impression of a sterling, noble, generous character, loyal to duty, strong, able, and courteous in the fulfilment of it, with such accumulation of legal acquirement and general culture as to render his counsels highly valuable in the Cabinet, and his public efforts exceedingly graceful and effective. His professional exhibitions in the Supreme Court during the four years that he represented the Government, were characterized by sound learning, chastely and accurately expressed, great breadth of view, the seizing of strong points and disregard

of minute ones, marked deference for the court and courtesy to his opponents. He was a model to the younger members of the bar of a courtly and polished advocate. He appeared in the court only in cases of special importance; but of these there was quite a large number during his term. As examples, I may refer to the cases of Young *v.* United States (97 U. S. 39), which involved the rights of neutrals in our civil war, and particularly the alleged right of a British subject, who had been engaged in running the blockade, to demand compensation for a large quantity of cotton purchased in the Confederacy and seized by the military forces of the United States;—Reynolds *v.* United States (98 U. S. 145), which declared the futility of the plea, in cases of bigamy among the Mormons, of religious belief, claimed under the first amendment of the Constitution; and established the principle that pretended religious belief cannot be accepted as a justification of overt acts made criminal by the law of the land;—The Sinking Fund Cases (99 U. S. 700), which involved the validity of the act of Congress known as the Thurman Act, requiring the Pacific Railroad Companies to make annual payments for a sinking fund to meet the bonds loaned to them by the Government;—Tennessee *v.* Davis (100 U. S. 257), as to the right of a United States officer to be tried in the Federal courts for killing a person in self-defence whilst in the discharge of his official duties;—The Civil Rights case of Strander *v.* W. Virginia and others (100 U. S. 303–422), in which were settled the rights of all classes of citizens, irrespective of color, to suffrage and to representation in the jury box, and the right of the Government of the United States to interpose its power for their protection;—Neal *v.* Delaware (103 U. S. 370), by which it was decided that the right of suffrage and (in that case) the consequent right of jury service of people of African descent, were secured by the 15th Amendment of the Constitution, notwithstanding unrepealed state laws or constitutions to the contrary.

In all these cases and many others the arguments of the Attorney-General were presented with distinguished ability and dignity, and with his habitual courtesy and amenity of manner; whilst his broad and comprehensive views greatly aided the court in arriving at just conclusions. In all of

them he was successful; and it may be said that he rarely assumed a position on behalf of the Government, in any important case, in which he was not sustained by the judgment of the court. His advocacy was conscientious and judicial rather than experimental—as is eminently fitting in the official representative of the Government. It best subserves the ends of justice, the suppression of useless litigation, and the prompt administration of the law.

I can only add that the members of the Supreme Court parted with Attorney-General Devens with regret. Of him, as of so many other eminent lawyers, the reflection is just, that the highest efforts of advocacy have no adequate memorial. Written compositions remain; but the noblest displays of human genius at the bar—often, perhaps, the successful assaults of Freedom against the fortresses of Despotism—are lost to history and memory for want of needful recordation. *Vixere fortes ante Agamemnona;* or, as Tacitus says of the eloquent Haterius, "Whilst the plodding industry of scribblers goes down to posterity, the sweet voice and fluent eloquence of Haterius died with himself."

Very Truly Yours.

Joseph P. Bradley.

General Devens took no active part in the work of this Society, although he was quite a frequent attendant at our meetings. He had hoped before long, if he had lived, to write for us a paper on the government of Massachusetts during the period between the breaking out of the Revolution and the adoption of the Constitution of 1780. This work, if done at all, must be done by other hands. But he was an admirable historical investigator and narrator. He carefully investigated the facts. He told the story of the heroic days of the Revolution and of the heroic days of the War for the Union with a graphic power which will give his addresses on such subjects a permanent place in our best historical literature.[1]

[1] The following is a partial list of the publications of General Devens:—

Letter. To Hon. Henry Wilson, U. S. Senator, December 16, 1864.
Address. Before the Army of the James, delivered Sept. 2, 1868.
Oration. On General Meade, delivered at New Haven, May 14, 1873.
Oration. On Centennial of Battle of Bunker Hill, June 17, 1875.

But it is as a soldier that his countrymen will remember him, and it is as a soldier that he would wish to be remembered. Whatever may be said by the philosopher, the moralist, or the preacher, the instincts of the greater portion of mankind will lead them to award the highest meed of admiration to the military character. Even when the most selfish of human passions, the love of power or the love of fame, is the stimulant of the soldier's career, he must at least be ready for the supreme sacrifice—the willingness to give his life, if need be, for the object he is pursuing. But when his end is purely unselfish, when the love of country or the desire to save her life by giving his own has entire mastery of the soul, all mankind are agreed to award to the good soldier a glory which it bestows nowhere else.

There was nothing lacking in General Devens to the complete soldierly character. He had a passionate love of his country; he was absolutely fearless; he never flinched before danger, sickness, suffering or death. He was prompt, resolute, and cool in the face of danger. He had a warm and affectionate heart. He loved his comrades, especially the youth who were under his command. He had that gentle and placable nature which so often accompanies great courage. He was incapable of a permanent anger. He was still less capable of revenge or of willingness to inflict injury or pain.

As Clarendon says of Falkland, "He had a full appetite of fame by just and generous actions, so he had an equal contempt for it by base and servile expedients." He never

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ORATION. Dedication of Soldiers' Monument at Boston, Sept. 17, 1877.

ADDRESS (2). On General Grant; one at Boston and one at Worcester, Aug. 1885.

ADDRESS. To the Fifteenth Mass. Regiment, at Gettysburg, June 12, 1886.

ORATION. On General Sheridan, before the Loyal Legion, Nov. 7, 1888.

ORATION. On the 250th Anniversary of the Loyal Legion, at Philadelphia, April 15, 1890.

ADDRESS. At the 250th Anniversary of Harvard University.

for an instant tolerated that most pernicious and pestilent heresy, that so long as each side believed itself to be in the right there was no difference between the just and the unjust cause. He knew that he was contending for the life of his country, for the fate of human liberty on this continent. No other cause would have led him to draw his sword; and he cared for no other earthly reward for his service.

"Oh just and faithful knight of God,
Ride on, the prize is near."

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